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Attorney's Docket No. TMIPRO.003A

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PREFORMED FOAM SEATBACK WITH INTEGRAL OPENING**; the specification of which was filed on **January 26, 2004** as Application Serial No. **10/765,464**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

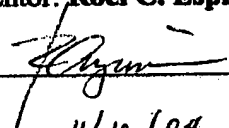
I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/442,803


Filing Date: 1/24/03

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Roel C. Espina**

Inventor's signature 

Date 11/10/04

Residence: **106 W. PENNSYLVANIA AVE # 902 REDLANDS, CA 92374**
~~25590 Prospect Avenue, Apt. 41A, Loma Linda, CA 92354~~ 

Citizenship: **Philippine**

Post Office Address: **106 W. PENNSYLVANIA AVE # 902 REDLANDS, CA 92374**
~~25590 Prospect Avenue, Apt. 41A, Loma Linda, CA 92354~~ 

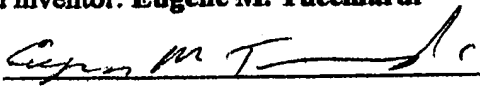
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Attorney's Docket No. TMIPRO.003A

Full name of second inventor: Eugene M. Tuccinardi

Inventor's signature



Date

11-10-04

Residence: 28296 Corte Ocaso, Temecula, CA 92592

Citizenship: United States of America

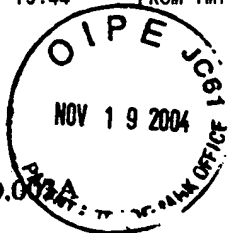
Post Office Address: 28296 Corte Ocaso, Temecula, CA 92592

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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TMIPRO.0003A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Espina et al.)
 App. No. : 10/765,464)
 Filed : January 26, 2004)
 For : PREFORMED FOAM SEATBACK)
 WITH INTEGRAL OPENING)
 Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office
 P.O. Box 2327
 Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this

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App. No. : 10/765,464
Filed : January 26, 2004

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Timely Innovations, LP

Dated: 11-10-04

By: Eugene M. Tuccinardi
Eugene Tuccinardi

Title: Vice President,
Research and Development

Address: 45310 Callesito Burgos
Temecula, CA 92592

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PATENT
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ASSIGNMENT

WHEREAS, We, Roel C. Espina, a Philippine citizen, residing at 25590 Prospect Avenue, Apt. 41A, Loma Linda, CA 92354, and Eugene M. Tuocinardi, a United States of America citizen, residing at 18296 Corte Ocaso, Temecula, CA 92592, have invented certain new and useful improvements in a **PREFORMED FOAM SEATBACK WITH INTEGRAL OPENING** for which we have filed an application for Letters Patent in the United States, Application No. 10/765,464, filed on January 26, 2004;

AND WHEREAS, Timely Innovations, LP (hereinafter "ASSIGNEE"), a Limited Partnership, with its principal place of business at 45310 Callesito Burgos, Temecula, CA 92592, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, its successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16th day of NOV., 2004.

Roel C. Espina

STATE OF California
COUNTY OF Riverside ss.

On 11/10/04 before me, Christine Fullerton, personally appeared Roel C. Espina personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized

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capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Christine Fullerton
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10 day of Nov., 2004.

Eugene M. Tuccinardi
Eugene M. Tuccinardi

STATE OF California
COUNTY OF Riverside } ss.

On 11/10/04, before me, Christine Fullerton, personally appeared Eugene M. Tuccinardi personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Christine Fullerton
Notary Signature

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